

MARK A. THOMAS	§	
VS.	§	CIVIL ACTION NO. 4:11cv443
FNU CIRCLE	§	

Plaintiff Mark A. Thomas, an inmate confined in the Denton County Jail, proceeding *pro se* and seeking to proceed *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge Don D. Bush who issued a Report and Recommendation that the claims Plaintiff filed pursuant to § 1983 fail to state a claim upon which relief may be granted regarding either his Sixth Amendment right to counsel or his Fifth Amendment right against self-incrimination and, therefore, should be dismissed as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff has not filed any objections but has filed a motion for appointment of counsel (docket entry #7), seeking an indefinite “extension of time,” which the court construes as an indefinite opportunity to file objections to the Magistrate Judge’s Report and Recommendation. “There is no automatic right to the appointment of counsel in a section 1983 case. Furthermore, a district court is not required to appoint counsel in the absence of ‘exceptional circumstances’ which are dependent on the type and complexity of the case and the abilities of the individual pursuing that case.” *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). The request for appointment of counsel does not allege facts demonstrating that appointment of counsel is necessary. The complaint reflects that the case is not unduly complicated requiring the

appointment of counsel. *See Robbins v. Maggio*, 750 F.2d 405, 412 (5th Cir. 1985); *Ulmer v. Chancellor*, 691 F.2d 209, 212-13 (5th Cir. 1982). Furthermore, the Report and Recommendation presents a straightforward analysis of Plaintiff's claims and demonstrates that they are frivolous and without basis. In addition, the court will not entertain a request for an indefinite "extension" in order for Plaintiff to respond further.

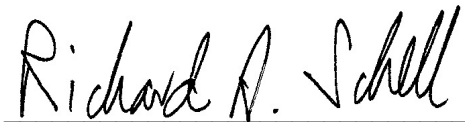
Having made a *de novo* review of the constructive objections raised by Plaintiff to the Report in the form of a motion for appointment of counsel and an indefinite extension of time, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit. Accordingly, the court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is therefore

**ORDERED** that Plaintiff's Motion for Appointment of Counsel (docket entry #7) is hereby **DENIED**. It is further

**ORDERED** that Plaintiff's complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is finally

**ORDERED** that any and all motions not yet addressed are hereby **DENIED**.

**SIGNED this the 2nd day of September, 2013.**

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style.

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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE